

MINUTES
Board of Building & Zoning Appeals
City of Willoughby Hills, Ohio

August 11, 2020

CALL TO ORDER: 8:00 pm

ROLL CALL

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch, James Michalski

ABSENT: Nico Viola

ALSO PRESENT: Assistant Law Director Thomas Lobe and Clerk Katherine Lloyd.

MOTION: John Klements moved to excuse Nico Viola from tonight's meeting.
Seconded by Mark Kotoch
Roll call: Ayes Unanimous.
Motion passes 4/0.

Chairman Cihula declared that Nico Viola has been excused from the meeting.

Review of Index to Recorded Meeting Minutes from July 14, 2020

Assistance Law Director Lobe stated that a vote on the Index is not required. At the last meeting on July 14, 2020, The Board decided that the recording of the meeting will be the official record of the meeting. The Index is a summary of what transpired.

MOTION: John Klements moved and Mark Kotoch seconded that, with the consensus of the Board, the Index to the Recorded Meeting Minutes will not require approval at each of our meetings in the future.
Roll call: Ayes Unanimous.
Motion passes 4/0.

CORRESPONDENCE

- Email dated 5/20/20 from Assistant Engineer Trepal RE: Variance Request- 2747 SOM Center Rd. – Existing Signs.
 - Letter dated 7/5/20 to Christian Haffey – Northcoast Fish House/Lobster Pot
RE: Confirmation of 7/14/20 BZA Meeting for Case 2020-2 & 2B.
 - Email dated 7/13/20 from the Building Department RE: Lobster Pot – Case 2020-02 and 02B
 - Letter dated 7/31/20 to Christian Haffey – Northcoast Fish House/Lobster Pot
RE: Postponement of Case 2020-02 & 02B - Signage at 2747 SOM Center Rd. from the 7/14/20 BZA Meeting to the 8/11/20 BZA Meeting
 - Email dated 8/10/20 from Kevin Johnson RE: Lobster Pot – Case 2020-02 and 02B.
 - Email dated 7/23/20 from Assistance Engineer Trepal and WH Building Department RE: revised BZA application - Signs 2882 Cricket Ln [Educational Alternatives] – attachment.
 - Email dated 7/24/20 from Gloria Majeski RE: City Roster – updated 072420.
 - Notification dated 7/30/20 sent to News-Herald and Communications re: BZA Meeting August 11, 2020.
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CASE 2020-2 and 2 B – [Audio: 7.00 to 36.45]

CASE 2020-2 (Continued from BZA Meeting 3-10-20 and postponed from BZA Meeting 7/14/20)

Mr. Christian Haffey – Northcoast Fish House / The Lobster Pot, 2747 S.O.M. Center Rd., requested a variance for a 50 SF wall sign (existing), on the east wall (secondary frontage); and a 17.5 SF wall sign (existing) on the north wall (secondary frontage). Section 1151.05(b) and Schedule 1151.05(c)(4) of the Codified Ordinances permits a total of 44.0 SF on secondary frontage.

Notices were mailed to property owners within 500 ft. of said property for the 3/10/20 BZA meeting.

Drawings have been available for review in the lobby of City Hall.

The appeal was originally advertised in the News-Herald on March 3, 2020.

Social Distancing will be observed. Face masks are required.

By order of the Board of Building and Zoning Appeals of the City of Willoughby Hills, Ohio

Case 2020-2B (Postponed from BZA Meeting 7/14/20)

Mr. Christian Haffey – Northcoast Fish House / The Lobster Pot, 2747 S.O.M. Center Rd., had also requested a variance for a second freestanding sign “The Lobster Pot” (6 SF), located near the southeast corner of the outdoor patio area. Section 1151.05(e), Schedule 1151.05(e)(a) of the Codified Ordinances limit the number of freestanding signs for this property to one.

Notices were mailed to property owners within 500 ft. of said property. The appeal was originally advertised in the News-Herald on July 3, 2020 for the 7/14/20 BZA meeting and postponements.

Drawings have been available for review in the lobby of City Hall. Social Distancing will be observed.

Face masks are required. By order of the Board of Building and Zoning Appeals of the City of Willoughby Hills, Ohio

These appeals can all be considered at the same time.

PRESENT: Christian Haffey, owner of the Lobster Pot.

Stated reason for variance request:

Since the signs were put up, people knew where we were at. We have noticed an increase in business

The ground sign out front has been there. It was painted and modernized. The signs on the side and the ones in the back have all helped. Every sign that is up there is a sign I took down and the sign company put back up where the old signs had been. It was maybe a year ago. They are not a nuisance. When Mr. Johnson, his business partner, called the City about the signs, he was told there was no problem because he was not changing the signs. Therefore, no permit was requested for the signs. They apologized and want to make it right. In the restaurant business, people have to know where you are in order to survive. Increased business brings tax revenue to the City.

Mr. Haffey asked how far out of Ordinance they were.

Board Comments:

- In answer to Mr. Haffey’s question, Mr. Cihula stated that they had left some room for calculation on that. A section of the Code was found more recently that specifically describes how you calculate the area of letters on a wall. The primary sign on the south wall is the “Lobster Pot” on each side of the doorway. Mr. Klements has gone over that very carefully. It will be discussed.
- Mr. Michalski asked the applicant if he could definitely say that the signs increased his business. Mr. Haffey replied ‘yes’, and he could show it with numbers. Mr. Johnson provided those numbers to the City.
- Mr. Klements stated that the paperwork was provided to the BZA by the Zoning Inspector. Paperwork lists the building frontage as 88 FT. It also says, on the top line, that the dimensions in orange have been estimated. If a business such as this has a traditional location, the total allowable signage on that business is 132 SF of signage and then it is allocated according to its orientation on the building. This business has, according to the same engineer’s calculations, 134 SQ of signage which is 2% more than the estimated number. If the engineer who estimated the 88 FT missed by 20% and it is actually 90 FT, they would be in total compliance with the signage that is allowed for a business your size.
 - This business does not have a standard front of the building. This is a unique situation in that it fronts on a parking lot access road. There is no frontage on the road, on the back or on the sides. This building is unique because it has no real frontage and is somewhat ‘invisible’ to southbound and westbound traffic.

There are no proposed signs in the right of way (ROW). They do not have the ability to put things on the ROW nor do they have any. Everything is on the building. What is the front of the building?

- The purpose of this board is to address situations where it uniquely does not fit.
- In my opinion, Mr. Haffey is not asking for anything out of the ordinary. The building does not have a traditional frontage. The Zoning Administrator had to select one side, had to go by the Code and, thereby, denied the permit.
- Mr. Michalski stated that Mr. Klements had done an excellent job with the analysis. He is in agreement. 2% is well within reason of the estimate, because we do not have an actual dimension and the uniqueness of the building and Mr. Klements states it is in compliance at 90 FT.
- There are no further questions or comment from the Board for the applicant.

Mr. Lobe has inquired of the other participants. There is no one else in the public to speak on this particular matter. This is a procedural vote.

Public Portion opened at 8:22 PM.
No hands were raised by the Public.

Public Portion Closed at 8:50 PM

Board Comments, continued

Case 2020.2B regarding the small free standing sign by the parking lot is the separate appeal. It should have a separate motion.

The first motion should be for first appeal, Case 2020-2.

MOTION for Case 2020-2:

Mark Kotoch moved that the Board approve Case 2020-2 as requested for the property at 2747 & 49 S.O.M.Center Rd and grant a variance for a 50-foot wall sign (existing) on the east wall which is in the secondary frontage and a 17.5 SF wall sign on the north wall due to the unique design of the building and their location on the property.

Seconded by John Klements.

Additional Discussion:

- Use of the door on the north wall as it relates to the wall sign on the north wall above the door was clarified. It is a fire escape door from the dining room. It can only be opened from inside and it has no handle on the outside. Normally the door has no ingress or egress to the building.
- The sign on the north wall is positioned to catch the eye of people on Route 6. The far door on the opposite side is the service and delivery entrance.
- Method of Calculation of the letters of the sign on the south wall was located in the Code. Mr. Klements used that calculation. His results are very close results to those calculated by Assistance Engineer Trepal.

Roll call: Ayes Unanimous.

Motion passes 4/0.

Chairman Cihula declared that the request has been granted for Case 2020-02, the original wall sign case.

Board Comments, continued

- Case 2020-02B is a separate appeal for the 6 SF sign and will require a separate motion.
- This particular sign indicates where people should park in the rear. Parking in the front is limited.
- The sign requested, totaled with the square footage of the sign out front on a business that size, still comes in under what is allowed by the Code. Square footage is not an issue. It exceeds the number of signs.

- Based on the reasoning that the business does not have any road frontage and the traffic coming to the business is off of a driveway access and because of the location of the business, the second sign is warranted. The small, informational sign still comes in under what is allotted by the Code. It is not obtrusive.
- Mr. Kotoch asked about pictures for this particular sign. The email with photos sent by Kevin Johnson does not have the picture requested.

Mr. Lobe has asked the public and no one from the public is here to speak on this.

Public Portion opened at 8:34 PM.

No Public input.

Public Portion Closed at 8:34 PM

MOTION for Case 2020-02B:

Mark Kotoch moved that the Board approve Case 2020-2B and grant a variance as requested for the property at 2747 & 49 S.O.M Center Rd for a 6 SF secondary standing sign 'Lobster Pot' located near the southeast corner of the outdoor patio area due to the uniqueness and location of the restaurant in the plaza.

Seconded by John Klements.

Roll call: Ayes Unanimous.

Motion passes 4/0.

Chairman Cihula declared that the request has been granted for Case 2020-2B.

Case 2020-04 -- [Audio: 37.15 – 56.39]

Mr. Dustin James / Advanced Installation & Sign, requests a variance to replace two (2) freestanding signs for Educational Alternatives, 2882 Cricket Lane, a Conditional Use (private school) in a Single-Family Residential District as follows:

Sign #1, Front parcel (PPN 31-A-008-G-00-028-0) for a front setback of 10' from the ROW and a side setback 11.5' from the south property line.

Sign #2, Rear parcel (PPN 31-A-008-F-00-025-0) for an additional free standing sign for the combined properties.

The School, a Conditional Use, is permitted one (1) free standing sign for the combined properties. Section 1151.04(c)(2) of the Codified Ordinances requires 30' minimum setback from the ROW, 30' minimum setback from abutting property lines and limits the number of free standing signs for a Conditional Use to one. (1) Drawings are available for review in the lobby of the City Hall. The appeal was advertised in the News-Herald on August 1, 2020. By order of the Board of Building and Zoning Appeals of the City of Willoughby Hills, Ohio.

PRESENT: Mr. Dustin James / Advanced Installation & Sign, representing the Educational Alternatives School.

Stated reason for variance request:

- There are two existing signs that are old and weathered. No one knows how long they have been there. They would like to replace them with two new signs. The Code does not allow that now.
- There is also the issue with the right of way (ROW) and different survey type elements on that the ROW as you enter the main drive to the facility. There is no room on the opposite side of the driveway for the sign. They are seeking a variance to get the sign put back in the same spot. The new sign will be lower and smaller than the existing sign.
- The back sign is a unique situation. It is far back in the woods. There are windows all across the front of the building – you cannot put a sign there.
- If we can replace the two signs they already had, that would be good.

Board Discussion:

- It is not known who put up the existing signs. No records have been found for submission to the Planning Commission and Architectural Board of Review. An old yearbook from the Cricket School 1972-73 when it was a public school was located. The picture shows a different sign, but existing sign. The concreted foundation of the sign in the picture and the foundation of the existing sign are the same. There was an existing, nonconforming situation with the existing signs that have been there for many years.
- This case was initially reviewed at the PCABR Meeting on 5/7/20. The result was a much smaller sign.
- The requirement for one freestanding sign applies to the school as a whole. That requirement does not take into account that the school is on two different parcels. The request applies to the front sign and the back. Using GIS, both parcels were used as basis for the mailing list. This is another unique situation.
- The Board packets included photos. Each numbered sign has a photo of the existing sign and the proposed replacement sign as recommended by the PCABR.
 - Replacement Sign #1 with the PPN – the posts will be sunk into the ground and the bottom of the sign will be flush with the ground.
 - Replacement Sign # 2 with the PPN - will actually take up less space because it is now 12 inches off the ground.
- The Engineer's review lists three points of the submittal. The variance can include the setback and sideline clearance in the motion.

Public Portion opened at 8:50 PM.

James Barta, 2875 Cricket Lane

He had concerns whether the sign would be illuminated or flashing like the church nearby or illuminated all night long. *NO., it will not.* He stated that if it was 30 feet from the side line, it would be in the driveway. The setback is fine the way it is. He is glad it is just a 'freshen up' and not a whole new flashing sign. He lives three houses down from the school on the left side of the street.

Public Portion Closed at 8:52 PM

MOTION: Mark Kotoch moved that the Board approve Case 2020-4 as requested and grant a variance for the property at. 2882 Cricket Lane to replace two freestanding signs:
Sign #1, Front parcel (PPN 31-A-008- G-00-028-0) for a front setback of 10' from the ROW and a side setback 11.5' from the south property line.
Sign #2, Rear parcel (PPN 31-A-008-F-00-025-0) for an additional freestanding sign for the combined properties.
Seconded by Jim Michalski.

Additional Discussion:

- Addition to the Motion that the signs are existing and that this is a maintenance thing was suggested. The request specifies replacement of two freestanding signs.
- While researching on GIS for the aerial of the property on GIS, the existing concrete pad could be seen. Applicant was asked if the sign will be mounted on the same 4 x 4 posts as with the original one?
- Once onsite the posts and pad will be evaluated to determine how sturdy they are. If indicated, the original will be excavated and replaced in the exact same location.
- Permitting for the building process is being done by the County. Applicant will need to meet whatever they require with respect to the drawings.

Roll call: Ayes Unanimous.

Motion passes 4/0.

Chairman Cihula declared that the variance for Case 2020-4 has been granted as requested.
The signs are subject to the County Building Code for the construction of the signs.

UNFINISHED BUSINESS: [Audio: 56.49]

Chairman stated that the Board has covered the issue with help of the Law Director at the meeting of 7/14/20.

Mr. Klements has no more questions. Thank you to Mr. Lobe for all of your help!

Mr. Lobe thanked the Board for all its service.

Chairman thanked Dan Biondolillo (PCABR) for attending the meeting.

NEW BUSINESS

None

CHAIRMAN'S COMMENTS: [Audio: 57.45 - 59.45]

- September 8, 2020 meeting – Case 2020-07: appeal for The Vault, a beverage store on Chardon Road. They have a ground sign in front and a building face sign in the front. Both signs meet the Code. *[Approved by PCABR on 4/16/20]*
- The Vault is the last of the appeals that have been postponed, continued or waiting to be scheduled. No meetings were called for April, May and June of 2020 due to COVID-19 virus restrictions.

MOTION: John Klements moved to adjourn.
Seconded by Mark Kotoch.
Voice vote: Ayes unanimous.
Motion passes 4/0.

Meeting adjourned at 9:04 PM.

Note that it is the policy of the Board to make site visits to guide them in making their decisions.

Note that BZA meetings are recorded and recordings are considered a public record.

Note that the Audio Recording is the official record for the meetings of the BZA, as of 7/14/20.

Katherine Lloyd, Clerk

Reviewed by BZA Board on: 9/8/20

[No Signatures necessary per Assistant Law Director. Thomas Lobe.]

Katherine Lloyd, Clerk

Chairman
